UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2010*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-12,14,17 and 20-25* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *10-12, 14, 17 and 20-25* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to **Pre-Appeal Brief** filed on April 22, 2010.

2.   **Claims 10-12, 14, 17 and 20-25** are pending.

35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-12, 14, 17 and 20-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Joseph et al. (US 6,966,003 B1, hereafter "**Joseph**") in view of Bahl et

al. (US 7,020,464 B2, hereafter "**Bahl**").

As per Claim10, Joseph teaches:

A method for maintaining secure network connections, the method comprising:

duplicating [see for example, col.2, lines 24-61], at a third network element, a security association

associated with a secure network connection between a first network element and a second

network element [see FIG.1: where first (12), second (22), third (22') & (fourth=30) are disclosed],

and in response to detecting failure of the second network element [claims 18 and 24], replacing

the second network element with the third network element in the secure network connection with

the first network element [see FIG.1 (network device 22' is back-up device) and FIG.2B; and for

example, col.4, lines 58-67], wherein the secure network connection between the first network

element and the third network element is based on the duplicated security association [see step

118 in FIG.2B].

Joseph fails to disclose wherein a lookup of the security association associated with the secure network connection is not dependent on any destination address; however, in analogous art, **Bahl** teaches a lookup of the security association associated with the secure network connection is not dependent on any destination address [see FIGS.4A-6: SA is not changed when mobile node changes old to new address (e.g., col.11, lines 45-47)]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention was made to modify the system of **Joseph** by incorporating the teaching of **Bahl** in order to provide transparent session continuity [see at least abstract of **Bahl**].

As per Claims 11 and 20, Joseph-Bahl combination teaches:

The method according to claim 10 further comprising sending at least one secure message from the third network element to the first network element to notify the first network element that the secure network connection will be taken over by the third network element [see abstract and 'second communication' 34 in FIG.1 of **Joseph**]; and during life of the secure network connection between the first and second network elements, the third network element receiving information relating to the security association of the secure network connection from the second network element [see abstract and FIGS.1 and 2B of **Joseph**].

As per Claims 21 and 23, Joseph teaches:

The method of claim 10, the second and third network elements are security servers [see FIG.1; and for example, col.3, lines 31-34]. **Joseph** does not teach the first network element as a mobile client. However, **Bahl** teaches a first network element as a mobile client [see 'mobile host' 70 in FIG.1]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention was made to modify the system of **Joseph** by incorporating the mobile host of **Bahl** in order to handle network communications between mobile devices [see at least col.1, 9-13 of **Bahl**].

As per Claim 12, Joseph teaches:

A method for maintaining secure network connections, the method comprising:

configuring a plurality of security gateways (such that a lookup of security associations is not dependent

on any destination address) [see abstract and FIGS.1 and 3-4: where network devices to be

configured are disclosed]; and sharing a security association among the plurality of security

gateways [see abstract and FIG.2B and 3-4; and for example, col.2, lines 24-61].

Joseph fails to disclose wherein a lookup of the security association associated with the

secure network connection is not dependent on any destination address; however, in analogous

art, **Bahl** teaches a lookup of the security association associated with the secure network

connection is not dependent on any destination address [see FIGS.4A-6: SA is not changed

when mobile node changes old to new address (e.g., col.11, lines 45-47)]. Therefore, it would

have been obvious to a person having ordinary skill in the art at the time of applicant's invention

was made to modify the system of **Joseph** by incorporating the teaching of **Bahl** in order to provide

transparent session continuity [see at least abstract of **Bahl**].

As per Claim 25, Joseph-Bahl combination teaches:

The method of claim 12, wherein sharing the security association comprises sharing an

IPsec security association among the plurality of security gateways [see FIGS.3-4 and step 204 in

FIG.5A of **Joseph**: where security information (IPsec) is disclosed].

As per Claims 14 and 22, Joseph teaches:

A first security server comprising: a transceiver to receive information relating to at least

one security association of a secure network connection between a (mobile) client and a second

security server [see abstract; FIGS.1 and 3-4, connection status based on SA is transmitted]; and

a processor module to: monitor operation of the second security server [see abstract and FIGS.1

and 3-4, network connection is monitored for failure]; in response to detecting failure of the

second security server [claims 18 and 24], send a message to the (mobile) client that the first

security server is taking over the secure network connection [see FIG.1 (network device 22' is

back-up device) and FIG.2B; and for example, col.4, lines 58-67]; and communicate with the (mobile) client using the at least one security association over the secure network connection between the first security server and the (mobile) client [see step 118 in FIG.2B].

Joseph fails to disclose mobile client and a lookup of the security association associated with the secure network connection is not dependent on any destination address; however, in analogous art, **Bahl** teaches a mobile client [see 'mobile host' 70 in FIG.1] and lookup of the security association associated with the secure network connection is not dependent on any destination address [see FIGS.4A-6: SA is not changed when mobile node changes old to new address (e.g., col.11, lines 45-47)]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention was made to modify the system of **Joseph** by incorporating the teaching of **Bahl** in order to provide transparent session continuity of mobile communications [see at least abstract of **Bahl**].

As per Claims 17, Joseph-Bahl combination teaches:

The first security server according to claim 22, wherein communications between the mobile client [see 'mobile host' 70 in FIG.1] and the first security server are based on a security architecture for the internet protocol (IPsec) [see FIGS.3-4 and step 204 in FIG.5A of **Joseph**: where security information (IPsec) is disclosed].

The same motivation used with respect to claim 22 above is used, because the secondary reference is applied to map the same limitation (i.e., mobile client).

As per Claim 24, Joseph-Bahl combination teaches:

The first security server of claim 22, wherein information relating to the at least one security association is duplicated at the first and second security servers [see for example, col.2, lines 24-61 of **Joseph**].

Response to Arguments

4.   Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AMARE TABOR** whose telephone number is (571)270-3155. The examiner can normally be reached on Mon-Fri 8:00a.m. to 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KAMBIZ ZAND** can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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